

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X-----X

CAN'T STOP PRODUCTIONS, INC.,

Plaintiffs,
-against-

Case No.: 7:17-cv-06513-CS

[PROPOSED COUNTER] ORDER

SIXUVUS, LTD., ERIC ANZALONE,
ALEXANDER BRILEY, FELIPE ROSE,
JAMES F. NEWMAN, RAYMOND SIMPSON,
and WILLIAM WHITEFIELD,

Defendants.

X-----X

Upon the motion for a temporary restraining order and preliminary injunction supported by the declaration of Felipe Rose sworn to on the 30th day of November, 2017, the declaration of Raymond Simpson sworn to on the 30th day of November, 2017 ,together with the exhibits annexed thereto, the declaration of Eric Anzalone sworn to on the 29th day of November, 2017, the declaration of Alexander Briley, sworn to on the 30th day of November, 2017, the declaration of Gary Adelman sworn to on the 30th day of November 2017, together with the exhibits annexed thereto, the memorandum of law in support submitted herewith, and the pleadings herein, and good and sufficient cause appearing therefore, it is hereby:

ORDERED, that, sufficient reason having been shown therefor, pending further order of the Court, Defendant Sixuvus Ltd. ("Sixuvus") can perform as "Sixuvus Presents Felipe Rose and Alex Briley, original members of the legendary group, Village People, and their new band," provided that the words "Sixuvus Presents" are either on top of or to the left of "Felipe Rose and Alex Briley, original members of the legendary group, Village People, and their new band," and are at least fifty percent (50%) of the size as the remainder of the heading on any billings and advertisements;

ORDERED, that, sufficient reason having been shown therefor, pending the hearing of Defendant's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the Plaintiff and their agents, servants, employees, officers, directors, attorneys, successors and assigns are temporarily restrained and enjoined from directly or indirectly, interfering with or preventing Sixuvus from booking live performances, accepting live engagements and performing live as set forth above;

ORDERED, that this temporary restraining order be and it hereby is conditioned upon Defendants filing with the Clerk of this Court, no later than December ___, 2017, an undertaking in the form of a bond or cash in the amount of _____ dollars to secure payment of costs and damages as may be suffered or sustained by any party who is wrongfully restrained hereby;

ORDERED, that, the parties shall proceed to mediation with Magistrate Judge Lisa M. Smith as soon as possible;

ORDERED, that, on consent the hearing for the preliminary injunction is stayed pending the parties' participation in said mediation; and

ORDERED, that, at any time after the mediation either party may upon letter application to the Court request that the preliminary injunction hearing be scheduled at which time the Court will set a briefing schedule for opposition and reply papers, and a hearing date.

SO ORDERED:

DATED: New York, New York
December ___, 2017

CATHY SEIBEL,
UNITED STATES DISTRICT JUDGE